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N.J. BOARD OF DENTISTRY  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

IN THE MATTER OF

FRANK J. DePINHO, D.D.S.  
License No. DI 017321

LICENSED TO PRACTICE DENTISTRY  
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

CERTIFIED TRUE COPY

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information that Frank J. DePinho, D.D.S. ("respondent"), had entered into a settlement agreement with Delta Dental. According to the information provided, respondent agreed to reimburse Delta Dental \$180,893.80 based on the results of an audit. Specifically, the audit revealed that respondent billed Delta Dental for services not rendered, routinely failed to collect co-payments from insured patients without notifying the insurance company and pre-dated and post-dated treatment sessions in order to allow patients to receive benefits. In one case, respondent submitted a claim for a patient where there were two charts in the patient's file. One of the charts was authentic. The other chart was fabricated in order to reflect the false claims being submitted to Delta Dental for the patient. Additionally, respondent fabricated the entries on the charts of uninsured patients in order to make it appear that the usual and customary fees submitted to Delta Dental were the fees customarily charged to uninsured patients. In fact, the usual and customary fees charged to uninsured patients were lower.

Respondent appeared at an investigative inquiry into the matter held by the Board. During the inquiry, respondent admitted he pre-dated and post-dated appointments for twenty to twenty-five patients. He stated he did this in order to accommodate the patients. Respondent also admitted creating two patient charts for a particular patient. One chart represented the actual services rendered. The second chart was fabricated in order to support false insurance submissions

provided to Delta Dental. Respondent also admitted he submitted a claim to the insurance company for a procedure not rendered. Additionally, respondent admitted he waived co-payments for patients without informing the insurance company. Finally, respondent acknowledged he only completed 34 continuing education credits for the 2001-2003 biennial period.

Having reviewed the entire record, including the patient records, the insurance submissions, the results of the audit by Delta Dental and the testimony of respondent at the investigative inquiry, it appears to the Board that respondent has engaged in insurance fraud by submitting claims for services not rendered in contravention of N.J.A.C. 13:30-8.10(a). It further appears to the Board that respondent failed to disclose to the insurance company that he was waiving patient co-payments in contravention of N.J.A.C. 13:30-8.10(c). Additionally, respondent pre-dated and post-dated treatment sessions in order to allow patients to receive benefits in contravention of N.J.A.C. 13:30-8.10(b)(1). Respondent also fabricated the entries on the charts of uninsured patients in order to misrepresent the usual and customary fees filed with the insurance company and submitted a claim for a patient where there were two charts in the patient's file, one of which was fabricated in contravention of N.J.A.C. 13:30-8.7(a). Respondent's actions regarding insurance submissions constitute professional misconduct in violation of N.J.S.A. 45:1-21(e). Finally, respondent failed to complete the forty hour continuing education requirement for the 2001-2003 biennial period having only provided proof of thirty-four hours in contravention of N.J.A.C. 13:30-5.1. It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 25<sup>th</sup> DAY OF JULY, 2006  
HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice dentistry is hereby suspended for one year. The first thirty days of the suspension are to be served as an active suspension. The thirty day active suspension is to commence on July 20, 2006 and respondent will be permitted to resume active practice on August 20, 2006. The remaining eleven months are to be served as a stayed suspension. Such period of stayed suspension shall be automatically activated upon receipt by the Board of any reliable information that respondent engages in any future violations of the statutes or regulations governing the practice of dentistry during the stayed suspension period or for any violation of this order.

2. Respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$4,000 for engaging in insurance fraud by submitting claims for services not rendered in contravention of N.J.A.C. 13:30-8.10(a). Respondent is also assessed a civil penalty in the amount of \$4,000 for failing to disclose to the insurance company that he was waiving patient co-payments in contravention of N.J.A.C. 13:30-8.10(c). Additionally, respondent is assessed a civil penalty in the amount of \$4,000 for pre-dating and post-dating treatment sessions in order to allow patients to receive benefits in contravention of N.J.A.C. 13:30-8.10(b)(1). Finally, respondent is assessed a civil penalty of \$3,000 for fabricating the entries on the charts of uninsured patients in order to misrepresent the usual and customary fees filed with the insurance company and a civil penalty of \$3,000 for submitting a claim for a patient where there were two charts in the patient's file, one of which was fabricated in contravention of N.J.A.C. 13:30-8.7(a). Payment for the civil penalties totaling \$18,000.00 shall be made simultaneously with the signing of this order by certified check or money order made payable to the State of New Jersey and shall be sent to Kevin Earle, Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

3. Respondent is assessed the costs of the investigation to the State in this matter in the amount of \$4,391.00. Payment for the costs shall be by certified check or money order made payable to the State of New Jersey and submitted to the Board simultaneously with the signing of this order. Payment shall be sent to Kevin Earle at the address described in paragraph #2.

4. Respondent shall fully attend and successfully complete the September 2006 ProBe ethics course. In the event respondent is unable to register for the September 2006 course, respondent shall register for the next available ProBe ethics course. Respondent shall submit documentation from ProBe of his successful completion of the next available ProBe course.

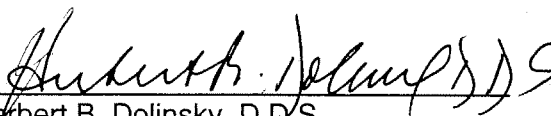
5. Respondent shall complete six continuing education credits needed to satisfy the 2001-2003 biennial registration period within six months of the entry of the within Consent Order. Failure to submit proof of the six continuing education credits within six months of the entry of the within Consent Order will result in automatic activation of the stayed suspension.

6. Failure to timely remit any payment required by this Order will result in the filing of a certificate of debt as well as such other proceedings as permitted by this order or under the law.


7. Respondent shall submit to random audits at the request of the Board or representatives of the Enforcement Bureau of the New Jersey Division of Consumer Affairs. Respondent shall be responsible to pay for the costs associated with the random audits.

8. Failure to comply with any of the terms of this consent order may result in further disciplinary action.

NEW JERSEY STATE BOARD OF DENTISTRY

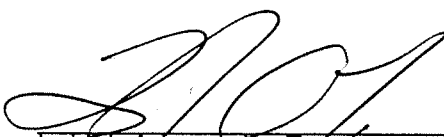
By:   
Herbert B. Dolinsky, D.D.S.  
Board President

I have read and understand this  
Consent Order and agree  
to be bound by its terms. I consent  
to the entry of this Order.

  
Frank J. DePinho, D.D.S.

7/19/06  
Date

I consent to the entry of this order  
as to form.

  
Luis J. Amaro, Jr., Esq.  
Attorney for Frank J. DePinho, D.D.S.

7/19/06  
Date